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# Maine Department of Environmental Protection 2002 Strategic Plan

Maine Department of Environmental Protection

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**MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**2002  
STRATEGIC PLAN**

**JULY 2002**



**SUBMITTED BY MARTHA G. KIRKPATRICK  
COMMISSIONER**



## TABLE OF CONTENTS

WHERE ARE WE HEADED?.....	2
PROGRAM OVERVIEWS .....	4
OFFICE OF THE COMMISSIONER PROGRAMS.....	4
LAND AND WATER PROGRAM .....	11
REMEDIATION AND WASTE MANAGEMENT PROGRAM.....	16
AIR PROGRAM.....	19
PROGRAM GOALS, OBJECTIVES & PERFORMANCE MEASURES .....	24
LAND AND WATER QUALITY (0248) .....	24
REMEDIATION AND WASTE MANAGEMENT (0247).....	26
BUREAU OF AIR QUALITY (0250) .....	28
BOARD OF ENVIRONMENTAL PROTECTION (0025) .....	29
PERFORMANCE PARTNERSHIP GRANT (PPG) (0851) .....	30
MAINE ENVIRONMENTAL PROTECTION FUND (MEPF) (0421) .....	31
ADMINISTRATION – ENVIRONMENTAL PROTECTION (0251).....	32
ADMINISTRATIVE SERVICES CENTER (0835).....	33

**COVER PHOTOGRAPH PROVIDED COURTESY OF JARI FELDT**  
Kidney Pond and Mount Katahdin

## MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

### 2002 STRATEGIC PLAN

#### WHERE ARE WE HEADED?

We have been protecting Maine's environment for 30 years, and our approach and actions have evolved along the way. In the 1970s, our environment was in serious trouble. Our rivers were foul-smelling and fish kills were common. Our air was degraded by emissions of particulates, sulfur dioxide, carbon monoxide and ground-level ozone. Municipal open dumps polluted groundwater and surface water and impacted air quality as well. Citizens demanded that government work to clean up and regulate rampant water and air quality problems and to end dangerous waste disposal practices. In response, Maine State government developed a regulatory framework based on federal laws and pushed on industry and local governments to comply. This first phase of environmental protection gained momentum through the 1970s and 1980s.

Those dynamics changed in the 1990s. The regulatory framework was strengthened and expanded, but within it government and industry sought the mutual benefits of collaboration. Government not only enforced environmental standards but provided technical assistance to help businesses comply. Both of these phases have been important in cleaning up the environment, while building the capacity and infrastructure to move forward and tackle more complex issues. At this juncture, a new approach is needed. The big fixes are largely done and the environmental issues we face today are more complex and difficult to regulate. We need to ensure that when a solution is engineered to protect one resource, we do not inadvertently impact another.

In this next phase of environmental progress, responsibilities for enforcement and compliance will remain with government. However, in some cases, the largest polluter on the landscape is the general public—that is, the cumulative impact of each of us going about our daily lives. It is not scattered smoke stacks or water discharge pipes, but rather the individual choices each of us makes every day that have the greatest impact on the quality of Maine's environment and landscape. Each of us decides where to live, in what kind of house, how to heat it, how to maintain our property, what kind of car to drive, how far we drive, what consumer items to buy, what food to eat, how to handle our solid waste, among many other decisions. In aggregate, our combined decisions result in problems that are interrelated and have long-range impacts that are more subtle and harder to identify than those of the 1970s.

To create lasting solutions to these problems will require re-energized citizen involvement in the years ahead. We will need to make difficult choices as we move to the next phase of environmental protection. The Maine Department of Environmental

Protection will support this next phase with technical assistance, education, and innovative new programs that enlist businesses and citizens to move toward sustainable ways of supporting the high quality life styles we enjoy in Maine.

*Sustainability  
means meeting the needs of the  
present without compromising  
the ability of future generations to meet  
their own needs.*

This strategic plan explains, in part, how the Department intends to address these challenges. It covers the period from July 2002 through December 2004.

## PROGRAM OVERVIEWS

### OFFICE OF THE COMMISSIONER PROGRAMS

#### About the Office of the Commissioner

The Office of the Commissioner provides coordination of management and planning efforts across the Department, develops and staffs intra-agency initiatives and provides overall strategic direction for the Department. The Office of the Commissioner consists of the Commissioner, Deputy Commissioner, Office of Innovation and Assistance, Office of Management Services, Office of Education and Outreach, the Office of Policy Development and Implementation, and Regional Directors in the northern, eastern, and southern regions of the State.

The Office of Management Services provides support services to the Department including computer services, financial management, human resources support, space management and planning, staff training, coordination and administrative support. The Computer Services Unit provides support for common Information Technology used in the Department. This includes desktop support, server operations and computer related training for DEP systems as well as software development and maintenance services for computer applications developed in-house and testing and operations support of computer applications developed under contract. The unit also provides central training and user support for database and Geographic Information Systems (GIS). The Financial Management Unit provides financial management services and is responsible for managing, controlling and reporting fiscal activities of the Department. This Unit prepared the sections for the 2002 Strategic Plan covering the State of Maine Joint USEPA Program, the Maine Environmental Protection Fund, and DEP Administration (see pages 30 – 32). The Human Resources Unit is responsible for labor relations and coordinating all human resource functions between the Department and the Agriculture, Conservation and Environmental Protection Service Center (A.C.E.). (DEP's Strategic Plan also includes the Goal, Objective and Performance Measures for ACE (see page 33). The Training Unit is responsible for providing training coordination and development in the areas of health, safety, staff development and other Department training initiatives.

The Office of Innovation and Assistance was established to review departmental initiatives and make recommendations to the Commissioner on how to integrate pollution prevention and technical assistance into programs. The Office of Innovation and Assistance administers the Toxic Use Reduction (TUR) Law and the Small Business Technical Assistance Program.

The Office of Education and Outreach develops and coordinates departmental communications. Staff engages with the media, state and federal agencies, the Legislature and the general public through a team approach that includes designated staff liaisons with the programs in the bureaus. The Office is responsible for the Department's media relations and for delivery of proactive, integrated and professional quality educational initiatives.

The Office of Policy Development and Implementation develops departmental policies and procedures in the areas of rule-making, licensing and enforcement and coordinates strategic planning and the development of the Performance Partnership Agreement that funds various departmental programs through the US Environmental Protection Agency (USEPA). The Office is also liaison with the Attorney General's office.

The three regional directors serve as the Commissioner's representatives in the three regions not directly served by the Department's Augusta headquarters. The regional directors keep abreast of local issues, provide input to the Office of the Commissioner, and are active in instances where issues relating to more than one program area are involved.

### **Office of the Commissioner: Priority Initiatives**

The Commissioner has established priorities for the Department as a whole, which are supported by management and staff resources within the Office of the Commissioner and the bureaus and are discussed below. These priority initiatives not only rely on staff in the Office of the Commissioner but also draw on staff resources in the Department's three bureaus: Air, Land and Water, and Remediation and Waste Management.

**Managing Information** – The Department has embarked on a multi-year effort to reorganize and link its environmental data for air, land, water, and substances directly to regulated facilities and sites. This effort, known as One Stop, is moving the Department from a business model where information was organized around individual programs to adopting an enterprise-wide view that environmental data is more valuable when aggregated. Aggregated data will provide a more holistic understanding of the environmental impacts of facilities or sites. It will also enable more effective regulatory decision-making because decisions about regulating impacts on one medium, say air, may have significant implications for another medium such as water. Information that has historically been readily available only to small groups will be easily accessible to everyone in all of the Department's offices. Managing data related to facilities or sites as a department-wide asset will enable us to eliminate duplicate information, improve our ability to maintain its high quality, and save staff time. One Stop will become the core source of information for internal decision-making and will provide the basis for public access to environmental information held by the Department.

In FY 03 the Department will purchase an environmental licensing system and begin consolidating its existing facility data and licensing processes in the new system. Existing facility site data will be migrated into the new system. In FY 04 and FY 05 the project will expand to include compliance and enforcement programs and make data available to the public and regulated community via the Web. Also during this time, data will be integrated with the Department's existing Geographic Information System (GIS is a map-based information system) thus making GIS access and queries for facility site data available where applicable and appropriate. By selecting a specific facility or site displayed on a map the user will be able to access data about the facility's licenses, its compliance history or pending enforcement actions, among other information. One Stop will also facilitate electronic reporting of environmental data by

regulated facilities and laboratories. Working with the State's Bureau of Information Services in FY 03, the Department will create a pilot node on the National Environmental Information Exchange Network. This will serve as a conduit for the exchange of environmental data with the USEPA, Indian tribes, other states and the public. In FY 04 and FY 05, the pilot node will be expanded into full production to become the principal conduit for the exchange of environmental data with the USEPA, Indian Tribes, other states, regulated entities, and the public.

**Promoting Sustainable Ways of Doing Business** - Over the last two years, the Office of Policy Development and Implementation has worked to formulate a concept that goes well beyond mere regulatory compliance to promote environmentally sustainable ways of doing business. Working with legislators, a group of business leaders and representatives from the University of Maine, other state agencies, environmental organizations and the USEPA, the Office has developed an innovative concept known as Smart Production. The essence of Smart Production is the realization that business and environmental objectives must be one and the same if businesses are to become sustainable. Smart production views environmental protection as a business opportunity rather than an added cost. It leads to long-term economic benefits and requires a long-term view that ultimately all economic and social systems depend upon a healthy natural environment.

Smart Production seeks to reduce the environmental impacts of producing products or providing services. Rather than treat or clean wastewater, for example, Smart Production looks to eliminate its creation in the first place. It requires a holistic understanding of the pattern of interrelationships among key components of the production process. It requires a systems approach to redesigning production systems with the goals of using renewable materials and energy inputs, eliminating toxic chemicals, producing products that can be recycled and eliminating discharges of pollutants to air, water or land, while enhancing the long-term economic viability of a business.

To implement Smart Production concepts, the Department has launched a new voluntary, agreement-based program called Step-Up (Smart Tracks for Environmental Performers and Upward Performers). The program offers recognition and other incentives to businesses interested in implementing sustainable practices. It will establish a fundamental change in the relationship between DEP, the public, and participating businesses. It will facilitate ever-improving, and ultimately sustainable, environmental practices and performance.

The program requires businesses to measure and publicly report on their progress toward sustainability goals. Businesses in the program will also mentor other businesses to improve their environmental performance. Eight Maine businesses are expected to enter into Step-Up agreements with the Department during 2002.

The Department expects to continue to expand the program to include more businesses over the next two years and to share lessons learned with Maine businesses, as well as other interested states. We also expect that experience gained from implementation of

the Step-Up Program will enhance the relationship between the Department and Maine businesses.

**Energy and the Environment** – There is a direct correlation between energy use and environmental quality. Energy production either through electrical generation or fuel burning within the industrial, residential and transportation sectors is the largest contributor to air pollution. Energy use is a major factor in most of Maine's environmental problems—particularly smog, acid rain, global climate change, and lung disease from fine particulates. The Department supports or directly participates in a variety of energy-related initiatives including:

- The New England Governors/Eastern Canadian Premiers 2001 Climate Change Action Plan to reduce greenhouse gas emissions. The State of Maine is a signatory to the plan. Several of the action items of the Plan are related to energy conservation, clean energy production, and reducing transportation sector air emissions.
- The Maine Green Schools Program which educates students, teachers, staff and communities about energy efficiency and its ties to the environmental and fiscal health of schools.

The Department will continue to engage in discussing energy issues ranging from back-up diesel electrical generation to the advent of fuel efficient vehicle technologies so we can promote the most environmentally friendly ways of meeting Maine's energy needs. The Department is also engaged in energy issues as they relate to the operation of Maine State Government; that effort is discussed below.

**Clean Government Initiative** - The Clean Government Initiative, enacted into law in 2001, requires the Department to function in a dual role. First, it is a lead agency along with the Department of Administrative and Financial Services, the University of Maine System, and the Maine Technical College System. Leadership responsibilities involve establishing a coordinated plan to ensure compliance with state and federal environmental laws and integration of environmentally sustainable practices into planning, operations, and regulatory functions; and establishing measures to assess compliance and performance.

The current focus of the Initiative is on four priority areas: energy efficiency in vehicles and buildings; recycling/recyclability/product substitution/waste management; chemicals handling/product substitution/waste management; and environmental compliance. Small groups of agency representatives have formulated objectives in these four areas and identified methods by which they can be achieved. As progress is made in these areas, it is expected that new focus areas will emerge. As required of other state agencies, the Department has appointed an individual to ensure the development and implementation of activities in the four priority areas.

In its leadership role, the Department provides support to individual agencies in the development of plans required by the Clean Government Initiative. These plans detail the efforts each agency will undertake to integrate environmental compliance and

sustainability into planning and operations. Further support by the Department is envisioned as each agency implements actions detailed in their plan.

Finally, the lead agencies for the Initiative must prepare a biennial report to the Legislature, which identifies the successes of and obstacles to implementation of the Initiative, including recommendations for any statutory changes to accomplish the Initiative.

**Maintaining High Quality Standards** - The Department instituted its Quality Management System (QMS) in 2001 to meet EPA requirements and ensure that its operations are consistent with defined standards, criteria, and procedures in order maintain the highest levels of quality. Overall standards of quality are described in the Quality Management Plan (QMP, May, 2001, as revised). The QMS is overseen by a six-person Steering Committee, one member of which is designated as the Department's Quality Assurance Manager. Conformance with the requirements of the QMS, and identification of opportunities for quality improvement, are managed primarily through an internal auditing function. Audits are scheduled as part of the Steering Committee's annual work plan and take place at the system, program, and project levels. During FY 03, a total of six such audits are planned, covering operations in portions of all three Bureaus and the Office of the Commissioner. A similar number will be planned for FY 04. Audit results are returned to the division and program level in the form of Requests for Corrective Action. Management is responsible for responding to these requests.

**Learning and Development** - The Commissioner's Office actively promotes a wide range of initiatives to foster individual learning and professional development of the Department's staff and to build the DEP's organizational competency. The Commissioner has identified developing the Department's capacity for skillful discussion and dialogue as a priority. Two groups with significant responsibilities in this area are: the DEP Council, a bimonthly forum for discussion of environmental and organizational issues convened by the Commissioner; and C4 (Catalysts for Creative Culture Change), a group charged with developing and organizing opportunities for learning across the Department.

Currently, major examples of these activities include:

- A day-long Annual Meeting of the entire Department. In 2002, this effort is part of a larger initiative, "DEP Architecture of the Future," which is developing specific designs for a DEP in 2007 that incorporates the most successful aspects of the past and current organization.
- A monthly "Emerging Conversations" forum, regularly attended by 40-60 staff, at which outside speakers address contemporary environmental issues and possibilities. 2002 topics include Fuel Cell Technology, issues of Sustainability, and the problem of Endocrine Disrupters.
- Annual major workshops for managers and staff. Recent programs have included: a 3-day Systems Thinking workshop for senior managers; and a day-long workshop on "Identifying Environmental Problems...and Fixing

Them," by Prof. Malcolm Sparrow of the J.F. Kennedy School at Harvard University.

The Director of Special Programs oversees these and other related activities. Training and development activities are also provided by the Computer Services Unit and the Safety Unit in the Bureau of Remediation and Waste Management.

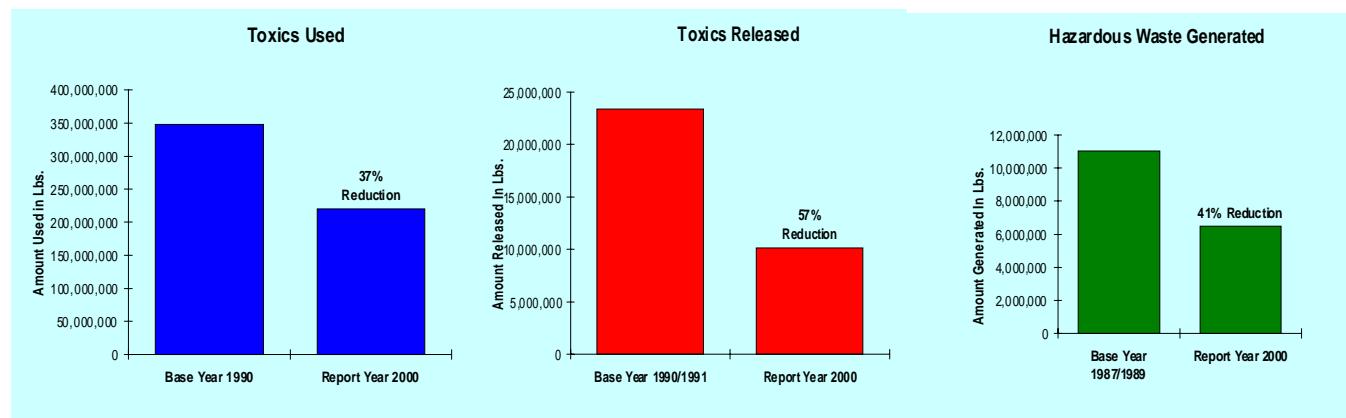
In FY 03 and beyond, this program area will focus particularly on:

- Continuing to build an internal management development *curriculum* aligned with the state-wide Maine Management Service initiative.
- Developing increased opportunities for staff at all levels to engage in discussion and learning across traditional media boundaries.

### **Office of the Commissioner: Ongoing Programs**

In addition to the above priority initiatives, the Office of the Commissioner also has important on-going programs that provide services to the bureaus and the public. These are discussed below.

**Assisting Business** - The Office of Innovation and Assistance helps businesses, manufacturers, and service industries with environmental issues through on-site visits, answering hotline calls, and providing information and technical assistance. Staff work one-on-one with individuals and facilities to help businesses understand rules and requirements related to regulatory programs for air, water, and hazardous waste. The program provides free on-site assessments, risk-free compliance assistance, technical assistance related to pollution prevention, and referrals for mentoring assistance. In 2001, over 19,770 facilities benefited from the services provided by the Office of Innovation and Assistance. Over the last ten years, the Office has helped Maine businesses substantially reduce toxics used, toxics released to the environment, and hazardous waste generated, as illustrated by the graphs below.



**Educating about Environmental Issues** – Directing and coordinating DEP's Education and Outreach initiatives involves communicating on a regular basis with a number of different audiences and constituencies. These include school children as well as legislators, business groups as well as non-profit advocacy groups, state and federal agencies and private citizens and the press.

In a typical year, the Unit will track over 100 pieces of proposed legislation, coordinate testimony and follow up, and prepare an end-of-session summary of legislative activity affecting Department policies and operations. Even when the legislature is not in session, staff help elected officials respond to constituent concerns and provide support and assistance to staff engaged in preparing reports ("Mercury in Maine") or activities (various milfoil-related educational initiatives) prompted by the passage of specific bills.

Unit staff also advise on and assist with the development of educational materials to be delivered through a variety of media. Publications may be as targeted as the guide to air licensing requirements prepared for small business owners ("Let's Clear the Air for Small Business") to the broad overview of Maine's environmental protection initiative ("Maine's Environment 2002: The Choice is Ours"). Public service announcements may be similarly tailored, covering topics that are broad (ozone air pollution) as well as activity-specific (new backyard burning restrictions). Demonstrations and presentations are prepared for groups as different as citizens interested in the decommissioning of Maine Yankee to children learning about hybrid car technology.

The Education and Outreach team continues to explore and develop new ways to serve the public through the dissemination of information. Judging from growing use of the "ask DEP" e-mail address, the weekly publication of a column examining environmental issues from the perspective of how they relate to everyday life and lifestyle choices has been very successful. The recent addition of the "This Week at DEP" page on the Department's web site is part of a stepped-up effort to make the site as up-to-date, user-friendly and informative as possible for interested citizens. Tools like these supplement DEP's overall communications capabilities which will continue to include multi-media campaigns (like that on prevention of home heating oil spills), partnerships with media outlets (like public access television) and the ongoing publication of plain English documents on environmental issues, programs and regulations. The thematic focus of all will be on individual choices, individual responsibilities and the individual's ability to "make a difference" to ensure a sustainable environment.

## LAND AND WATER PROGRAM

### About the Bureau

The Bureau of Land & Water Quality administers land and water quality protection programs in accordance with federal and state laws. The Bureau is charged with meeting the goals of Maine's Water Classification Program (38 MRSA 464): to restore and maintain the chemical, physical, and biological integrity of the State's waters and to preserve certain pristine state waters. The Bureau is also charged with developing programs and establishing environmental standards that will prevent degradation and encourage the enhancement of the State's rivers and streams, Great Ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands, coastal sand dune systems, and shoreland areas.

The Bureau is organized into five divisions: a science division, two regulatory divisions, a planning division, and a financial and technical assistance division. All divisions and all staff are engaged in public education as an integral part of their responsibilities.

**Science** -- The Division of Environmental Assessment is responsible for overall monitoring and evaluation of the quality of Maine's surface waters and groundwaters. The Division monitors freshwater and marine pollution; conducts lake restoration and protection activities; undertakes groundwater assessment studies and protection efforts; provides biological and geological expertise; manages programs to achieve statutory water quality standards; conducts river and stream studies and waste assimilation studies; and coordinates a statewide volunteer lake monitoring program

**Regulatory** -- The regulatory divisions implement standards that help to protect Maine's natural resources and human health. The Division of Land Resources Regulation is responsible for licensing and enforcement activities for the following programs: Site Location of Development (developments that may substantially affect the environment); Natural Resources Protection Act (activities affecting protected natural resources); Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt (excavations over a certain size); Performance Standards for Quarries (quarries over a certain size); state-level administration of the Shoreland Zoning Program; administration of the Stormwater Management Law (projects affecting the quality and/or quantity of stormwater runoff); and administration of the Erosion and Sedimentation Control Law.

The Division of Water Resource Regulation is responsible for licensing and enforcement activities under Maine's Protection and Improvement of Waters statutes, including the following programs: Wastewater Discharge Laws (wastewater discharges); Maine Waterway Development and Conservation Act (hydropower facilities); Maine Dam Registration, Abandonment and Water Level Act (hearings/water levels for certain water bodies controlled by dams); Sand-Salt Storage (siting and operation of storage facilities); and Underground Injection Control (regulating subsurface discharges through injection wells).

**Planning** --The Division of Watershed Management is responsible for administering several programs focusing on non-permitting approaches to resource protection including: conducting and supporting watershed planning at local and regional levels; developing, reviewing, and implementing Best Management Practices (BMPs); administering grant programs to provide funds for non-profit groups to carry out watershed management plans or to implement BMPs; providing training for contractors, consultants, municipal officials and state agency staff through the Nonpoint Source Training and Resource Center; conducting application reviews and providing technical assistance for the Bureau and local governments; coordinating with federal and state agencies and local governments on wetland policy issues; and coordinating Coastal Zone Management activities (other than licensing and enforcement).

**Financial and Technical Assistance** -- The Division of Engineering, Compliance, and Technical Assistance provides a variety of programs that support the protection of Maine's water resources. The Division accomplishes the following: administers the State Construction Grant and State Revolving Loan Fund programs for municipal wastewater abatement projects; administers the Small Community Grants Program to correct malfunctioning septic systems and the Overboard Discharge Grants Program to eliminate overboard discharges; provides technical assistance, grants, and guidance on Combined Sewer Overflow (CSO) abatement projects; provides technical assistance to industrial and municipal wastewater treatment facilities by working with them in developing pollution prevention alternatives; inspects and provides technical assistance to municipal and industrial wastewater treatment facilities; reviews engineering reports, construction plans and specifications for municipal and industrial pollution abatement projects; provides engineering overview of wastewater construction projects; and administers the Operator Certification Program for licensing of municipal and industrial wastewater facility operators.

### **General Strategies for Management and Planning**

In carrying out its programs, the Bureau employs a variety of general strategies.

**Sustainable Development** – Using a low key approach, explore and communicate principles of sustainable development, and apply those principles when appropriate in regulatory program development and decision-making. Identify “Tragedy of the Commons” issues (that is where individual actions can adversely affect a resource—such as surface water—that is the “property” of no one individual, but rather belongs to society at large), and work with stakeholders to understand the archetype issue and public policy responses. Maintain notion that meeting environmental goals is an essential component of industrial/community development.

**Water Quality Goals** -- Meet the goals of the federal and state water quality laws by *reducing*, and when appropriate, *eliminating* discharges to waters of the state. Focus more on cumulative impacts of discharges, particularly metals and persistent or bioaccumulative toxins. Recognize that as the opportunities for major gains are reduced, we need to continue to promote continuous improvement/reductions in discharges to offset increases from growth and development.

**Watershed Approach** -- Prioritize opportunities to attain or improve water quality in various water bodies. Strengthen the Bureau's capabilities to do high level watershed planning to guide our various programs.

**Current Licenses** -- Ensure that all point source dischargers have up-to-date licenses based on the best available information. Eliminate the licensing backlog by establishing an aggressive relicensing schedule, with specific plans and assignments. Communicate the schedule to all interested parties, and identify key issues needing resolution in order to meet the schedule. Coordinate planning to meet the licensing schedule with inspectors, enforcement and water quality assessment staff so that issues are anticipated and resolved in time to meet the schedule. Get all involved staff to sign off on licenses before final approval.

**Strengthen Compliance Assurance Program** -- Improve compliance assurance for all program areas by: identifying and defining the specific regulated community; monitoring, tracking and regularly reporting and communicating the regulatory status of the members of that community (quarterly/semi-annually); establishing a compliance management plan or checklist of activities to be performed over the life of the permit and maintain complete records of those activities as they occur; determining an appropriate cycle for inspection/monitoring/surveillance for the regulated universe; establishing written priorities and plans for at least the next four quarters, and communicating them to other divisions; defining thresholds for action (according to Bureau policy) and recommending actions to be taken at periodic compliance review meetings; and conducting quality assurance reviews (e.g. file audits, joint inspections, outside reviews, etc.) on a regular basis to maintain adherence to standard operating procedures.

**GIS** – Increase analytical and communication capabilities by expanding use of Geographic Information Systems (GIS) in all areas of operations. Gather high quality geo-referencing information for all Department activities as they occur, and incorporate the data into DEP databases.

**Quality Management System** – Continue to develop and improve bureau QMS to better define or update Standard Operating Procedures (SOPs), assess compliance with SOPs, and ensure quality of environmental information and records. The Bureau will participate in formal audits and correct issues found during audits in a timely fashion.

**Planning and Budgeting** – Conducts five-year assessments to determine Bureau resource needs and to make budget projections. Rely on Bureau Management Team to coordinate tradeoffs and establish priorities.

### **Specific Strategies -- Highlights**

**Stormwater** – Maine DEP has regulated stormwater through the Stormwater Management Law since 1997, and the Site Law since the 1970s. Under the Stormwater Management Program, some watersheds have been designated as "most at risk" due to

development; others have been designated as "sensitive or threatened." Development activity has been required to meet standards for stormwater quality and quantity.

Maine now must implement additional stormwater management measures to meet requirements of the National Pollutant Discharge Elimination System (NPDES) Program of the Clean Water Act, and to better protect water quality from polluted runoff. Federal requirements dictate that Maine develop a program for regulating projects that disturb more than 1 acre of land, and that Maine administer a stormwater permit program for municipalities that contain an urban area (as defined by the U.S. Census Bureau there are currently 20 such areas in Maine). The Bureau plans to integrate NPDES construction permit requirements into its Stormwater Regulations through rulemaking in the summer and fall of 2002. These rules will be "major substantive" and will require legislative approval in 2003. DEP also plans to issue a General Permit to apply to the 20 municipalities that require approval under NEPDES rules by December 8, 2002. To accomplish this work, DEP staff is using work groups involving stakeholders for input before initiating formal rulemaking or issuing a General Permit.

The Department will also combine two other efforts into this rulemaking: updating the stormwater rules based on five years of implementation experience, and addressing threatened streams as provided for in the 1997 major substantive rulemaking.

**Sustainable Water Use Policy** – During the second regular session of the 120<sup>th</sup> Legislature, LD 1488, "An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources," was passed. The Bureau will work over the next three years to develop new tools to address water use issues and to ensure Maine's public water resources are used sustainably. The initial focus will be twofold: through implementing the Water Withdrawal Reporting Program created by LD 1488, the Bureau will collect the data necessary to assess cumulative water use and water availability, and identify water use issues and priorities on a watershed basis. Through the rulemaking process also called for in LD 1488, the Department will develop water use standards for maintaining in-stream flows and water levels for high quality lakes and ponds that are protective of aquatic life and other uses. The Bureau will also establish criteria for designating watersheds most at risk from cumulative water use. Both of these efforts will involve coordinating with other agencies and interested parties to develop new and innovative approaches to resolving water use issues.

**Invasive species** -- The Invasive Species Program has a new sticker that makes the issue more visible to boaters and other users of Maine's water resources. Funds raised through the sticker program will be used to support the inspection of boats and trailers; education programs for boaters and lake users; management of infested sites; training of volunteers; and support local prevention efforts. In addition, significant efforts by volunteers make a variety of tasks possible.

**Reclass and standards review** -- The Department intends to initiate a reclassification effort to recommend changes in classification of State waters to the Legislature. This effort recognizes improvements in water quality and the growing base of information on

the status of Maine water bodies as a result of monitoring efforts. This effort may result in modifying certain water quality criteria (bacteria, marine dissolved oxygen).

**Dioxin** – Dioxin is a highly toxic compound that results from industrial discharges. The Dioxin Program is continuing to develop the “above/below” test for discharges to Maine rivers. The objective is to determine the dioxin levels in aquatic organisms above and below certain wastewater discharges to enable comparisons. From a water quality protection standpoint, the goal is to have dioxin levels the same and at such a low level that they do not represent a threat to aquatic or human health. Early indications are that a definitive above/below test may not enable satisfactory comparisons, so other policy directions are being considered. Monitoring, data collection and analysis continues with a high level of diligence regarding quality control.

**Finfish Aquaculture** – DEP was delegated by the Environmental Protection Agency in 2001 to implement the National Pollutant Discharge Elimination System (NPDES) program. Under NPDES the Department is required to issue waste discharge permits to approximately 45 existing finfish aquaculture facilities, and any new facilities, and ensure that they are operated in accordance with the permits. Since this is the first time the DEP will be regulating this industry, the Department is currently developing a multifaceted program to provide an appropriate level of regulatory oversight and establish DEP’s independent credibility in aquaculture and marine issues. Important points of the program include: developing a general permit that will provide an expedited permitting process for some percentage of the facilities that comply with the general permit criteria; drafting site specific permits for those facilities that do not meet the criteria for the general permit; hiring a person for a limited period position to specialize in aquaculture issues including permitting, compliance, enforcement, and education and outreach; reviewing marine modeling capabilities for predicting potential water quality impacts; developing QA/QC requirements for data reporting; and providing for clear communication between the Department and the regulated community and other interested parties. The DEP will also enter into a Memorandum of Agreement with the Department of Marine Resources (DMR), which currently issues leaseholds to aquaculture facilities. The MOA will outline the responsibilities of each agency in regulating aquaculture and seek to minimize duplication of effort.

**Sand Dunes** -- The final, formal phase of the revisions to the Department’s Sand Dune Regulations, Chapter 355, is scheduled for completion late summer or fall of 2002. The effort to revise the rules was spawned by increased interest on the part of the Board of Environmental Protection and the Department to: streamline the rules for readability; decrease the potential for “regulatory takings”; further enhance the ability of the Department and the Board to address issues related to the structural integrity of buildings; and increase the natural movement of sand and water within beach systems. This effort has involved regional beach management committees and state resource agencies over the past couple of years.

## **REMEDIATION AND WASTE MANAGEMENT PROGRAM**

### **About the Bureau**

The Bureau administers petroleum, hazardous material and solid waste control programs including: emergency response and long-term clean-up for petroleum and hazardous materials spills; regulation of underground petroleum storage facilities and petroleum terminal facilities; regulation of hazardous material and solid waste facilities, disposal activities, and handling/management professionals; and investigation and clean-up of federal and uncontrolled hazardous substance sites. In the course of these functions, the Bureau utilizes dedicated, federal, and bond funds to accomplish the goals of the various programs. The Bureau also commits significant resources to several program initiatives that are reflected in the Office of the Commissioner section of this plan.

The Bureau consists of six divisions: Oil and Hazardous Facilities Regulation; Program Services; Remediation; Response Services; Solid Waste Management; and Technical Services.

The **Division of Oil and Hazardous Facilities Regulation** administers regulatory programs for petroleum, hazardous materials, and biomedical waste, as well as a damage claims program for petroleum contamination and a reimbursement program for expenditures made by the Department in the clean-up of certain petroleum spills.

The **Division of Program Services** is responsible for programs to repair or replace substandard home heating oil tanks and piping, technical, financial, and logistical support at major spill events, resource management, and administrative functions including information technology development, financial management, and support services.

The **Division of Remediation** is responsible for the uncontrolled hazardous substance sites program, which includes the federal SUPERFUND program. Also included in the Division is the municipal solid waste landfill remediation and closure program, the voluntary response action program, and the petroleum tanks planning and remediation program.

The **Division of Response Services** provides for emergency response to reports of spills and other releases of petroleum and hazardous materials, including clean-up or coordination of clean-up of such events. Various plans to address statewide emergency situations are developed within the Division.

The **Division of Solid Waste Management** is responsible for regulatory programs for solid waste issues including landfills, incinerators, storage sites, beneficial use of certain wastes, septage and sludge and residuals landspreading. Certification of lead and asbestos abatement professionals and notification of lead and asbestos abatement work are administered in the Division.

The **Division of Technical Services** provides technical support to Bureau programs in the disciplines of engineering, geology, and chemistry through review of license applications and technical plans as well as inspection and sampling programs. Development of certain regulatory programs occurs in the Division.

### **Bureau Performance Measures and Other Priorities**

Six performance measures are related to integral response and clean-up functions. They reflect the wide range of sites and the human health and environmental risks the Bureau confronts on a routine basis, including: tire piles; petroleum and hazardous chemical spills from transportation, storage, and handling activities; and hazardous waste sites, both inactive and active. As indicated by the Performance Measure number 3 on page 26, recent legislative enhancements to the petroleum clean-up program will lead to increased numbers of completed petroleum clean-ups. These clean-ups often involve sites that first came to the Department's attention years ago when thousands of underground storage tanks (USTs) were removed to comply with more stringent design and operating standards.

In addition to these clean-up activities, the Bureau also devotes substantial efforts to prevent or minimize environmental releases. These prevention activities include a wide range of licensing and enforcement activities involving solid waste disposal, hazardous waste management, and the storage of petroleum and hazardous chemicals in underground tanks and piping.

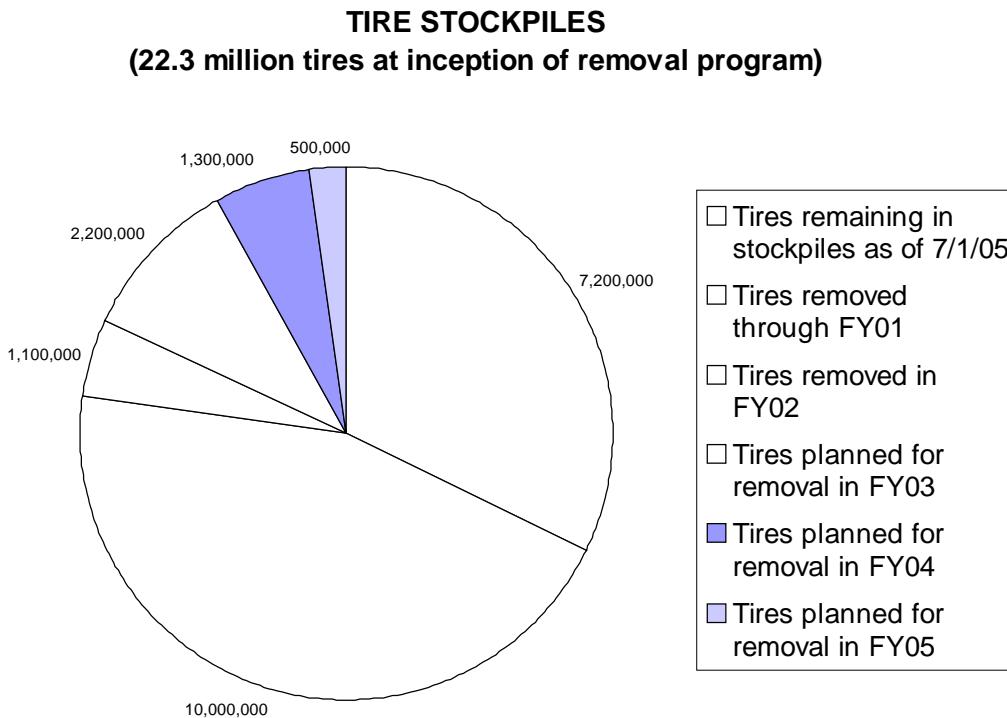
Recently initiated efforts to minimize the number and consequences of petroleum releases are a high Bureau priority. These efforts include: the development and implementation of new UST siting standards that will better protect public and private water supplies; a public education campaign to notify homeowners of new requirements promulgated by the Oil and Solid Fuel Board to minimize releases from residential heating oil tanks and associated piping; a tank replacement program for low-income Mainers with high-risk substandard heating oil tanks; and the development of a program to minimize releases from aboveground storage tanks at service station and bulk storage facilities. Also, due in large part to the events of September 11, 2001, the Bureau is increasing its ability to address situations involving weapons of mass destruction.

A second high Bureau priority is the reduction of mercury releases into the environment from the use and disposal of mercury-added products, such as thermometers, thermostats, switches in cars and other applications, and fluorescent lamps. To accomplish this release reduction objective, the Bureau: is implementing recently enacted legislation governing the notification and labeling of mercury-added products; has conducted several rulemakings to facilitate the collection and recycling of these products; is performing substantial public education and outreach to Maine's businesses and towns regarding the proper management of mercury-added products at their end-of-life, and is developing a first-in-the nation program to collect mercury switches from motor vehicles pursuant to legislation enacted in April 2002. The Bureau will also develop a strategy for the Legislature's consideration to reduce further the mercury content of products sold in Maine. This will follow already enacted prohibitions on the sale of new mercury fever thermometers, dairy manometers, mercury products to

schools, and (effective January 2006) mercury thermostats in residential and commercial buildings.

Often working in conjunction with the State Planning Office (SPO), the Bureau is also planning, initiating or undertaking a number of activities to improve the collection of mercury products: implementation of a dairy mercury manometer collection replacement program; development and initiation of a school cleanout program for mercury and other hazardous chemicals; planning for statewide thermometer collection/exchanges with funds that would be made available through passage of a bond in November 2002; and continued deployment of storage sheds to facilitate collection of mercury products through additional state grants to local governments using funds from that same November 2002 bond. In order to encourage towns to develop or improve activities that would reduce the toxicity of their waste streams the Bureau will also be developing for the Legislature's consideration in January 2003 a proposal for funding a statewide household hazardous waste collection program that will include mercury products.

Removing tires from scrap tire stockpiles has been a Bureau priority for a number of years as referenced above and is Performance Measure number 1 for the Bureau (see page 26).



## AIR PROGRAM

### About the Bureau

The Air Bureau is comprised of three divisions: Field Services, Licensing, and Program Planning.

The Division of Field Services, which is comprised of the Monitoring Section and the Compliance Section, is responsible for maintaining 70 monitors that analyze the levels of pollutants in the air around the state. The Division is also responsible for monitoring industrial compliance with license conditions, state statutes and federal laws.

The Division of Licensing is comprised of a Licensing Section, Meteorology Section and Enforcement Section. The Licensing Section reviews and processes applications for air emission licenses, transfers, renewals, and/or modifications. The Meteorological Section uses a variety of meteorological models to evaluate ambient air quality impacts from stationary sources, submits federal air quality attainment demonstrations, and performs seasonal ozone forecasting. The Enforcement Section coordinates enforcement activities once a violation has occurred, pursuing enforcement options that range from administrative resolutions to court action.

The Division of Program Planning is comprised of the Air Toxics and Inventory Section, the Mobile Sources Section, and the Planning Section. The Air Toxics and Inventory Section conducts emissions inventories for criteria pollutants, hazardous air pollutants (air toxics), and specific pollutants such as mercury and dioxin. In addition, this section is responsible for the development of the air toxics program including analysis of health issues and the implementation of the Most Advanced Control Technology (MACT) program. The Mobile Sources Section oversees the implementation of several mobile source emission reduction programs, including the Low Emission Vehicle Program, the Inspection & Maintenance Program, Heavy Duty Diesel Testing Program, and High Pollution Vehicle Retirement Pilot Project. This section is also responsible for fuels issues and transportation planning coordination. The Planning Section is responsible for all rulemaking activities, submittal of State Implementation Plan amendments, public education activities, and global climate change and energy issues.

### General Strategies for Management and Planning

**Education and Outreach** – Education and outreach play a critical role in implementing air quality policy. Air quality issues are by their very nature complex and wide-ranging, making efforts to promote initiatives and raise public awareness about actions that can improve air quality critical to the success of our programs. Education and outreach activities in the bureau of air quality are directed towards both the public and the regulated community, and are undertaken for such diverse reasons as pollution prevention, to enhance compliance and to encourage voluntary changes in consumer choice.

**Mobile Sources** – Mobile sources continue to be the largest source of volatile organic compound and nitrogen oxides emissions in Maine. While Maine has already adopted a

number of mobile source related air pollution control programs, cars and trucks continue to be a major contributor to our air quality problems. The Bureau has specifically targeted diesel trucks and buses for a variety of control initiatives, including diesel opacity testing, because reducing these emissions provides benefits for not only ozone pollution, but also regional haze, air toxics and others. The Bureau is also working with school administrators to address diesel emissions from school buses.

**Multi-Pollutant Strategies** – Air quality planning and control programs traditionally concentrated on addressing one pollutant at a time. Unfortunately, this approach failed to completely address all of our air quality problems, and sometimes resulted in excessive costs to the regulated community. The Bureau is working to better address the entire spectrum of air quality problems through multi-pollutant strategies that maximize air quality benefits while reducing control costs to the regulated community. Programs that simultaneously reduce emissions of pollutants such as nitrogen oxides, sulfur oxides and particulates, provide greater air quality benefits at a lower total cost than addressing emissions in a piecemeal fashion. Also, they are often the most effective approach to managing multi-media pollution issues, such as groundwater contamination, acid deposition and eutrophication.

**Regional Strategies** – Regional strategies play an integral role in improving and maintaining air quality in Maine. Maine's air quality is impacted by transported emissions and pollutant precursors from states to our south and west, making regional emission control strategies especially effective in improving our air quality. The Bureau has cultivated a close working relationship with other northeastern and mid-Atlantic states through regional organizations such as the Northeast States for Coordinated Air Use Management (NESCAUM) and the Ozone Transport Commission (OTC), and with Canadian provinces via the New England Governor's Conference/Eastern Canadian Premiers. Adopting additional regional control programs is a principal priority for the Bureau, and will be necessary if Maine is to meet and maintain all federal and state air quality standards.

**Public Participation** – Public participation is important to the development of sound air quality programs, and the Bureau recognizes that our ability to rally public, industrial, and legislative support for both our overall air program goals and individual program actions is critical to our success. The Bureau works closely with a variety of stakeholders ranging from national environmental and industry trade groups to local grassroots activists. At the same time, we are seeking to substantially increase the general public's participation in our program development activities. Expanding our education and outreach efforts to provide greater public access to technical materials will facilitate greater public involvement in the development of our programs and ultimately foster increased public support for our work.

## Specific Strategies -- Highlights

**Ozone** - Although "clean air" is one of the resources that attracts people to Maine, the state in fact has some significant air quality problems. In the past, the state exceeded acceptable levels for ground-level ozone, particulates, sulfur dioxide, and carbon

monoxide but the Department's subsequent control strategies were successful in achieving attainment for all of these pollutants except ground-level ozone in the southern portion of the state.

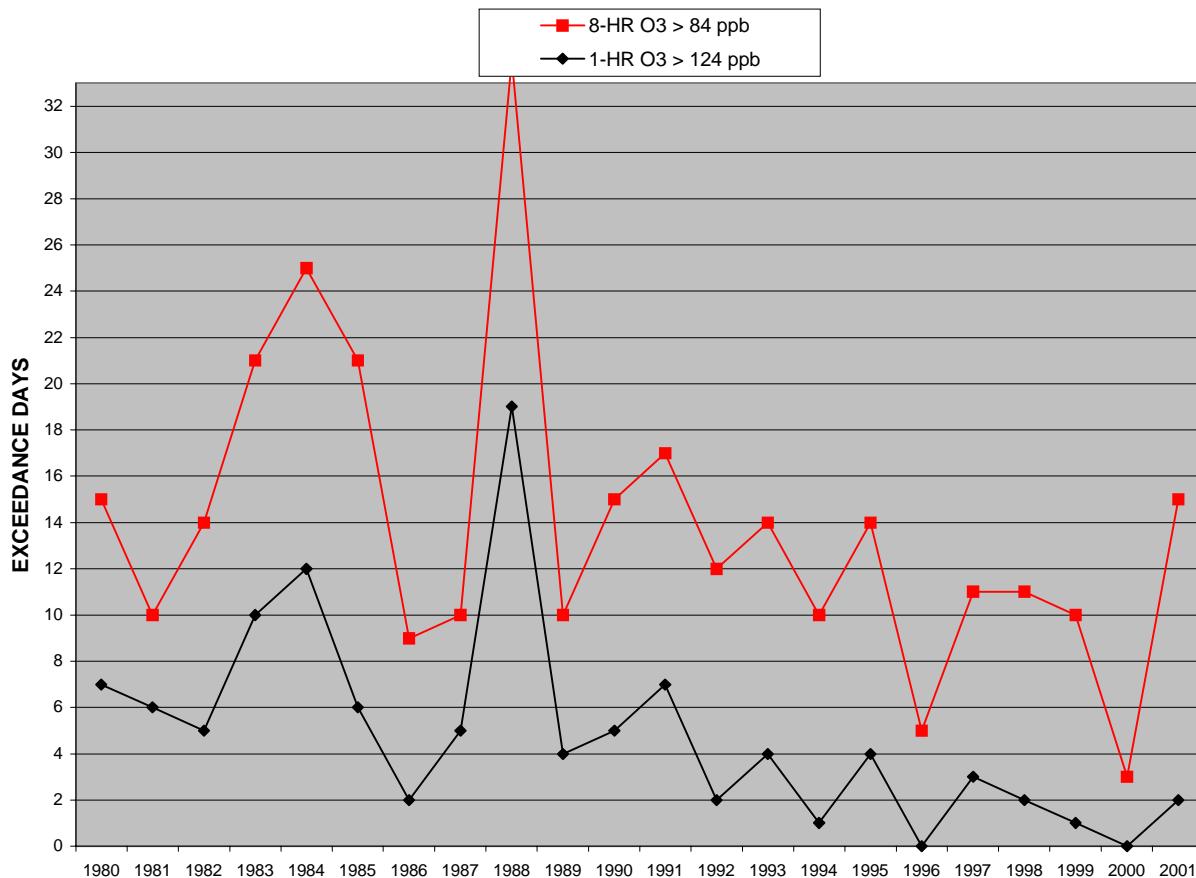
Ground-level ozone is formed through a chemical reaction in the presence of sunlight between volatile organic compounds and nitrogen oxide, which are known as ozone precursors. Ozone precursors are emitted from a number of sources, especially those involving combustion processes, such as motor vehicles, industrial sources with boilers and electric generating facilities. Significant quantities of ozone precursors are also emitted from smaller area sources that include a wide variety of commercial operations and consumer products.

Ozone levels are measured at eleven monitoring sites located in eleven of Maine's sixteen counties. For the eight-hour ozone standard, the baseline for ozone exceedance days is eleven days a year, that is, on eleven days the federal standard for ozone exceeded the allowable concentration of 0.08 parts per million for the entire state. For the one-hour ozone standard, the baseline for ozone exceedance days is one day a year, that is, on one day the federal standard for ozone exceeded the allowable concentration of 0.12 parts per million for the entire state.

Under the 1990 Clean Air Act Amendments, nine Maine counties were designated as either marginal or moderate nonattainment for the one-hour ozone standard. The entire state is now meeting the one-hour ozone standard as a result of emission control programs in Maine and upwind states.

Figure 1 shows the long-term trends for both the one-hour and eight-hour ozone standards. Although the 2001 ozone season saw a greater number of exceedence days for the 8 hour standard due to meteorological conditions, the long-term trends have been downward. Although EPA has not formally designated non-attainment areas for the 8 hour ozone standard, several areas along the Maine coast are expected to be designated as non-attainment in the near future. Attaining the eight-hour ground-level ozone standard by 2007 is a high priority for the program. The program is seeking to reduce the number of exceedence days for the 8 hour standard to 8 in FY 03 and beyond (see Performance Measure number 1, page 28).

**Figure 1**  
**OZONE EXCEEDANCE DAYS IN MAINE 1980-2001**



**Nitrogen and Sulfur Oxides** - Nitrogen oxides comprise a family of compounds that contributes to both air and water pollution. One of the principal precursors of tropospheric ozone (smog), nitrogen oxides are also responsible for other environmental impacts such as acid deposition, lake eutrophication, fine particulate pollution, regional haze, and destruction of the stratospheric ozone layer. Some oxides of nitrogen (nitrogen dioxide) are also respiratory irritants and therefore the focus of directed control efforts.

Sulfur oxides similarly contribute to both air and water pollution, and are the primary cause of both acid deposition and regional haze in Maine and throughout the eastern United States. Notwithstanding the reductions in emissions of acid forming compounds achieved through the implementation of the 1990 Clean Air Act, acid deposition remains a serious problem in the Northeast.

Recent studies indicate that an additional 70 to 80% reduction in SO<sub>2</sub> and NOx emissions may be necessary to ensure the ecological recovery of the Northeast. Controlling these pollutants provides a range of environmental benefits, and the Department's objective is to reduce emissions three percent a year for the next three years, which is in line with the goals of neighboring states. Since 1999, the program

has reduced the total tons of NOx and SOx emitted from approximately 70,000 tons to 62,000 tons a year in FY 02, an approximate 3 percent reduction a year (see Performance Measure number 4, page 28). The Department expects to continue this rate of reduction, and is seeking to reduce the total tons of these pollutants to 57,000 tons a year by the end of FY 05.

**Mercury** - The Department has been working on a number of efforts to greatly reduce mercury emissions to the environment. In addition to State legislative directives, the Department has been working on a regional effort to reduce mercury emissions by 50% through the New England Governor's Conference/Eastern Canadian Premier's (NEGC/ECP). Accordingly, rules were adopted that resulted in a 94% reduction in mercury emissions from municipal waste combustors. In addition, significant reductions in mercury emissions occurred when HoltraChem, a chlor-alkali plant, shut down in September of 2000. This has resulted in Maine reaching the NEG/C/ECP goal of a 50% decrease in mercury emissions by 2003. The Department will continue to collect and analyze mercury deposition data to gain a better understanding of the environmental impacts of mercury deposition and to assess the impact of municipal waste combustor controls.

**Climate Change** - Climate change and greenhouse gas issues are gaining prominence within the Department's air quality agenda. In response to a Legislative directive, the Department will develop and maintain a statewide inventory of greenhouse gases. In addition, Maine will continue its participation in regional efforts to monitor climate change indicators, investigate mitigation strategies in response to climate change, and to reduce emissions of greenhouse gases through conservation, energy efficiency and market-based strategies.

**Air Toxics** - Another important public health concern is air toxics. Benzene concentrations are used as a surrogate for other hazardous air pollutants. The program's goal is to reduce average annual benzene concentrations in ambient air by 25 percent with a corresponding decrease in cancer risk. This would mean that from a concentration of 3 parts per billion of benzene currently in our air, the concentration would be reduced to less than 2 parts per billion by the end of FY 03 and beyond. Future efforts include achieving reductions of 212 hazardous air pollutants for which no standards currently exist, reducing individual health risks associated with exposure to commonly used compounds such as gasoline, and determining benzene concentrations in additional urban areas.

## PROGRAM GOALS, OBJECTIVES AND PERFORMANCE MEASURES

**Overall Maine Department of Environmental Protection Mission: To prevent, abate and control air, land and water pollution and to preserve, improve and prevent diminution of the natural environment.**

### LAND AND WATER PROGRAM

**Goal A:** To ensure that land and water resources are protected, restored and enhanced as ecological systems, and to ensure that all waters of the state meet or exceed their classification standards.

**Objective A-1:** Reduce the percentage of Maine's waterbodies that do not meet Maine's water quality classification standards for a designated use.

#### Land and Water Quality (0248)

The Department will administer programs to protect and improve the quality of surface and ground water and to review land development projects.

##### Performance Measures

		Baseline (1999)	FY02	FY03	FY04	FY05
1.	Additional acres of shellfish opened per year in part, by efforts of SCG, OBD, CSO, SRF programs.	5,300	2000	2000	2000	2000
2.	Percent of municipal and industrial facilities operating with current licenses	51%	62%	72%	93%	95%
3.	Number of lakes monitored by DEP staff and/or the Maine Volunteer Lake Monitoring Program.	339	385	360	360	360
4.	Annual TSS discharged by major licensed wastewater treatment plants in millions of pounds (rounded to 3 places)	30.0	27.7	27.4	27.2	26.9
5.	Percent of quarries and excavations (non-metallic) in compliance with performance standards.	70%	85%	87%	89%	91%
6.	Orders & Permit-by-Rule under the Site Law, NRPA and Stormwater Law per staff.	129.6	119.4	121.8	124.6	127.4

Explanatory information for Performance Measures:

1. Acronyms are for Small Community, Overboard Discharge, Combined Sewer Overflow, and State Revolving Loan programs. Baseline numbers are based on actual acreage opened. Additional acres of shellfish beds open each year from FY 02 to FY 05 is an estimate based on 1995-1999.
2. Changes in the percentage over time reflect efforts to reduce the backlog of expired permits. Total number of municipal and industrial facilities currently licensed is 375. The past figures were changed because they were determined to be incorrect. The Department is on track to meet future goals.
3. There are a total of 5,788 lakes and ponds in Maine with a total acreage of approximately 1,186,881. The acreage of the 391 lakes monitored in 1999 was 585,000; acreage of the 360 lakes to be monitored in future years is estimated to be 564,550 acres. The FY 02 figure has been changed to substitute an actual figure for an estimate.
4. More specifically, this is discharges by major industrial and municipal licensed wastewater treatment plants to surface water. Totals are projected for FY 02 through FY 05 based on the best-fit curve of the data from FY 94-95 through FY 00-01.
5. Based upon the registered gravel pits inspected at least once within the previous 3 years. There are 480 registered quarries or excavation operations. The FY 02 figure has been changed to substitute an actual figure for an estimate.
6. Includes full permits, modifications, transfers, general permits, condition compliance, denials and Stormwater permit by rule. "Staff" includes licensing and field services. The FY 02 figure has been changed to substitute an actual figure for an estimate.

## REMEDIATION AND WASTE MANAGEMENT PROGRAM

**Goal B:** To protect public health, safety, welfare and the environment from pollution by oil, hazardous substances, solid waste or septicage.

**Objective B-1:** Decrease the number of solid waste, hazardous substance, and petroleum contaminated sites that pose an unacceptable risk to public health, safety, welfare and the environment.

### Remediation and Waste Management (0247)

Conduct the clean up of scrap tire stockpiles, uncontrolled hazardous substance sites, petroleum or hazardous substance contaminated sites and return sites to productive reuse.

#### Performance Measures

	Baseline (1999)	FY02	FY03	FY04	FY05
1. Cumulative number of scrap tires removed from stockpiles and processed under the Scrap Tire Abatement Program	9.7M	11.1M	13.3M	14.6M	15.1M
2. Percentage of uncontrolled site remediations completed	35%	50%	55%	59%	64%
3. Average number of long-term petroleum remediation clean-up site closures	68	68	68	110	110
4. Percentage of Voluntary Response Action Program sites completed	73%	80%	80%	80%	80%
5. Cumulative number of RCRA facilities undergoing investigation and remediation	20	45	45	45	45
6. Number of emergency response actions taken	1900	2300	2300	2300	2300

#### Explanatory Information for Performance Measures:

1. Due to a program merger in August of 2000, the baseline for this measure reflects FY 01 information. Projections consider all sources of existing program funding (dedicated revenue and bond funds), including a \$500K request for the November 2002 ballot. Projected levels of scrap tire removals may vary if the November 2002 bond does not pass or if other sources or amounts of funding become available.
2. Baseline percentage determined by 132 sites (as of 10/99).
3. A report containing recommendations for accelerating the pace of these clean-ups was submitted to the Legislature on December 15, 2000. Additional position authority and a surcharge fee increase were approved, specifically to increase the number of site clean-ups completed. The surcharge fee increase was effective 1/1/02. Staffing increases were realized by spring of 2002.

4. Assumes receipt of 50 applications annually and completion of 40 clean-ups annually.
5. FY 04 and FY 05 numbers assume continuation of staff temporarily assigned to the RCRA corrective action program for period of FY 02 and FY 03, under limited period position authority.
6. Since emergency response actions are not within the control of agency staff, these numbers are projections based on activity in previous years.

## AIR PROGRAM

**Goal C:** To ensure and enhance clean air for people, plants and animals so that all can breathe and thrive in clean air.

**Objective C-1:** Improve air quality so that all Mainers can breathe clean air every day of the year.

### Bureau of Air Quality (0250)

Administer a statewide program of air quality management to control sources of emissions of air contaminants.

#### Performance Measures

	Baseline (1999)	FY02	FY03	FY04	FY05
1. Number of ozone exceedance days/yr. for the 8 hr. ozone standard	10	8	8	8	8
2. Number of ozone exceedance days/yr. for the 1 hr. ozone standard	1	1	1	0	0
3. Customer satisfaction trend number measured on a scale of 1 (poor) to 5 (excellent)	4.51	4.56	4.56	4.61	4.61
4. Total tons of NOx and SOx emitted per industrial emissions inventory	70,450	62,368	60,497	58,682	56,922
5. Average annual concentrations of benzene in ambient air in "parts per billion (volume)"	1ppb	0.75ppb	0.75ppb	0.75ppb	0.75ppb
6. License conditions compliance rate for regulated facilities	89%	92%	92%	92%	92%

#### Explanatory Information for Performance Measures:

1 & 2 Two federal ozone standards are currently in effect. The 8-hour ozone standard measures extended exposure to moderately elevated levels of ozone, while the 1-hour standard measures peak exposure.

3. These numbers represent the average customer satisfaction rating of Air Bureau service. Customer satisfaction measures include such areas as timeliness, knowledge and courtesy.

4. This important measure of environmental emissions has a 1-year lag time in accumulation for reporting as it shows trends over a 1-year block of time. The objective is to reduce emissions 3% a year for the next 4 years, which is consistent with neighboring states' goals.

5. Benzene concentrations are used as a surrogate for other hazardous air pollutants. The Department's objective is to reduce annual benzene concentrations by 25% with a corresponding decrease in cancer risk. Benzene concentrations are currently measured in Portland (BEAM site) and Rumford (TO-15 site). The Department's objective is to determine benzene concentrations in four new urban areas in conjunction with continuing to monitor in Rumford and Portland for long term trends.

6. Measures compliance based on compliance inspections and reports.

## BOARD OF ENVIRONMENTAL PROTECTION

**Goal D:** Through a citizen board provide for interpretation, administration and enforcement of environmental protection laws and public participation in Department decisions.

**Objective D-1:** Provide a fair, efficient public forum for rulemaking, permit decisions, and review of Commissioner's actions.

### Board of Environmental Protection (0025)

To carry out review, decision making and advisory functions in a timely and thorough manner.

#### Performance Measures

		Baseline (1999)	FY02	FY03	FY04	FY05
1.	Percentage of rulemaking conforming to APA	100%	100%	100%	100%	100%
2.	Number of Board decisions successfully appealed	2	1	1	1	1
3.	Average number of Board members participating at regular meetings	6	8	9	9	9
4.	Months between original appeal filing date and date the Board hears appeal (new measure as of 2002)	10+	5	5	4	4

#### Explanatory Information for Performance Measures:

1. Demonstrates that the rulemaking process is efficient and within the guidelines by statute. (The BEP does about 20 rulemakings a year.)
2. Demonstrates that the Board provides fair review of Commissioner actions (e.g. appeals). (Board decisions are appealed to Superior Court.)
3. Demonstrates a public service element in that attendance shows full BEP participation to ensure fair review/decisions of issues with efficiency (e.g. all members are up to speed and issues that are revisited are not done so because of absences). (Baseline represents the six-member quorum requirement for regular meetings.)
4. Demonstrates timely decisions on the interpretation, administration and enforcement of the laws relating to environmental protection, and provides for credible, fair and responsible public participation in Department decisions. (A firm goal will require modifications to the Department's Chapter 2 rules concerning adjustment to submission timelines of parties to an appeal.)

## STATE OF MAINE--USEPA JOINT PROGRAM

**Goal E:** Provide public health and environmental protection by developing a system where the USEPA and the State of Maine work together for continuous gains in environmental quality and productivity.

**Objective E-1:** To better manage the use of federal environmental grants.

### Performance Partnership Grant (PPG) (0851)

To develop a joint USEPA-State of Maine agreement and grant complementing State support for Air Quality, Land & Water Quality, and Remediation and Waste Management programs.

#### Performance Measures

		Baseline (1999)	FY02	FY03	FY04	FY05
1.	Support for Air Quality programs	1,097,225	1,253,323	1,253,323	1,300,000	1,300,000
2.	PPG funds as percentage of total Air Quality dollars	26.9%	33%	33%	33%	33%
3.	Support for Land & Water programs	3,759,049	4,545,578	4,545,578	4,600,000	4,600,000
4.	PPG funds as percentage of total Land & Water dollars	30.6%	41%	41%	41%	41%
5.	Support for Remediation and Waste Management programs	1,056,804	953,500	953,000	960,000	960,000
6.	PPG funds as percentage of total Remediation and Waste Mgt. Program	2.9%	0.4%	0.4%	0.4%	0.4%

#### Explanatory Information for Performance Measures:

1. - 6. Comprehensive grant replaces categorical grants, yielding administrative efficiencies, program coordination and flexibility across programs.

## MAINE ENVIRONMENTAL PROTECTION FUND

**Goal F:** To supplement licensing programs administered by the Department.

**Objective F-1:** To better manage the use of other special revenue.

### Maine Environmental Protection Fund (MEPF) (0421)

Provides a fund to receive and administer fees in support of environmental licensing, compliance and other purposes.

#### Performance Measures

		Baseline (1999)	FY02	FY03	FY04	FY05
1.	Support for Air Quality programs	1,981,919	2,150,000	2,150,000	2,150,000	2,150,000
2.	MEPF funds as percentage of total Air Quality dollars	48.7%	56%	56%	56%	56%
3.	Support for Land & Water programs	1,309,897	1,630,000	1,630,000	1,630,000	1,630,000
4.	MEPF funds as percentage of total Land & Water dollars	10.6%	15%	15%	15%	15%
5.	Support for Remediation & Waste Management programs	702,476	920,000	920,000	920,000	920,000
6.	MEPF funds as percentage of total Remediation & Waste Management dollars	1.9%	0.3%	0.3%	0.3%	0.3%

#### Explanatory Information for Performance Measures:

1. - 6. Consistent with statutes, the Fund provides administrative efficiencies and stabilizes cash flow across programs involved.

## ADMINISTRATION

**Goal G:** Protect public health and the environment by providing overall executive and business management of the Department as well as the staff support to facilitate the bureaus in achieving goals.

**Objective G-1:** To manage the leadership and business side of the Agency efficiently and effectively while responding to internal and external customer needs in a timely manner.

### Administration – Environmental Protection (0251)

To provide executive leadership and central services in policy development, program coordination, strategic planning, public affairs, budget, information technology and human resources.

#### Performance Measures

		Baseline (1999)	FY02	FY03	FY04	FY05
1.	Percentage licenses issued within guaranteed processing times	96%	97%	97%	97%	97%
2.	Percentage of public, press and legislative inquiries Administration responds to within 12 hours.	90%	98%	98%	99%	99%
3.	Percentage of time departmental databases are accessible from all offices during normal hours.	97%	97.48%	99%	99%	99%
4.	Percentage of corrective action plans resulting from quality systems audits closed by originally scheduled deadline	-----	Baseline 80%	82%	84%	90%
5.	Percentage of performance reviews completed on time	-----	Baseline 31%	40%	50%	60%
6.	Percentage of financial reports and consultations completed on time	75%	88%	100%	100%	100%

#### Explanatory Information on Performance Measures:

1. Based on statute driven regulations.
2. Central office average of 40-50 inquiries weekly.
3. Includes LAN, WAN, database functionality at six locations.
4. Reflects commitment to the Department's quality management system.
5. Based on monthly Position and Vacancy Report from ACE.
6. Based on primary monthly reports and quarterly reviews with bureaus.

## ADMINISTRATIVE SERVICES CENTER

**Goal H:** To provide administrative services in an efficient and cost effective manner to the Departments of Environmental Protection, Conservation and Agriculture (Sec. K.1 38 MRSA c30)

**Objective H-1:** To maintain efficient and cost effective administrative support services in financial, fixed assets management and human resources to the departments.

### Administrative Services Center (0835)

Provides highly professional and quality administrative services in human resources, payroll, finance, accounting and fixed asset management.

#### Performance Measures

		Baseline (1999)	FY02	FY03	FY04	FY05
1.	ACE Personal Service budget as percentage of total Department's personal service budgets (ACE\$/Dept.\$)	2.3%	2.1%	1.8%	2.0%	2.0%
2.	ACE human resource transaction cost (HR transaction/HR \$)	\$6.50	\$6.46	\$5.95	\$5.36	\$4.83
3.	ACE financial service transaction cost	\$4.47	\$4.10	\$4.06	\$4.06	\$4.02
4.	Percentage of payment vouchers processed within 3 days of receipt	N/A	+5%	+10%	+10%	+10%
5.	Percentage of travel vouchers processed in 1 day of receipt	N/A	+5%	+10%	+10%	+10%
6.	Department satisfaction survey	N/A	+10%	+15%	+10%	+10%

#### Explanatory Information for Performance Measures:

1. Administrative cost containment provides more budget availability for Department's program objectives (Proxy outcome measure).
2. Standard Human Resource transaction cost effectiveness. Includes: additions + deletions + payroll count (Efficiency measure).
3. This measure is the total number of all transactions performed by ACE divided by the total ACE cost to process those transactions.
4. No baseline is presently available. A.C.E. is establishing an interim baseline using a random sample of first and second quarter payment vouchers (Effectiveness measure).

5. No baseline is presently available. A.C.E. is establishing an interim baseline using a random sample of first and second quarter travel vouchers (Effectiveness measures).
6. A.C.E. is presently creating a customer survey that will provide baseline information on timeliness, error rates and responsiveness (Customer satisfaction measures).